

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Budinger et al.

Application No.: 09/805,328

Filed: 3/13/2001

Title: WINDOW PORTION WITH AN ADJUSTED  
RATE OF WEAR

Attorney Docket No.: 156US

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450Art Unit:  
3723Examiner:  
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REQUEST FOR RECONSIDERATION

Dear Sir:

The following is responsive to the Office Action dated April 13, 2004. Applicants respectfully request reconsideration in view of the following remarks.

Claims 33-40 and 45-52 remain pending in this application. Claims 45-52 are allowed. Applicants wish to thank the Examiner for allowance of the above noted claims. In addition, Applicants wish to thank the Examiner for the indication of allowable subject matter in claims 34 and 37-40.

Claims 33, 35 and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Roberts et al. (U.S. Patent No. 6,171,181). Applicants respectfully disagree.

The apparatus of claim 33 recites, in part:

"a polishing pad having...a first wear rate during polishing...a window portion formed in the polishing pad...wherein the window portion has a second wear rate during polishing equal to or greater than the first wear rate..."

Accordingly, the invention of claim 33 provides a window formed in a polishing pad wherein the wear rate of the window is equal to or greater than the wear rate of the polishing pad.

In contrast, the disclosure of Roberts concerns a method of forming a window by a rapid cooling process. Roberts attempts to form a transparent portion (i.e., form a window) by cooling, more rapidly, a portion of the polymeric polishing pad material in order to constrain the crystallization process (col. 3, lines 49-63) in that portion. Hence, Roberts concerns forming

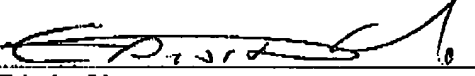
differential light transmission capabilities in different areas of the polishing pad. Roberts is completely void of any disclosure relating to differential wear rates between the polishing pad and the window. In other words, Roberts does not disclose an apparatus comprising a polishing pad with a window, wherein the window has a wear rate equal to or greater than the wear rate of the polishing pad, as recited in claim 33. Accordingly, Roberts does not teach or suggest the apparatus as disclosed in claim 33. Hence, Applicants submit that the rejection is overcome and respectfully request the Examiner for withdrawal of the same.

Claims 35 and 36 depend from claim 33 and should be allowable for at least the reasons as recited above for claim 33 and for its own unique combination of features that are neither taught or suggested by the cited prior art.

In view of the foregoing, Applicants submit that each of the presently pending claims are in immediate condition for allowance and respectfully request the Examiner to withdraw the outstanding rejection of the claims and to pass this application to issue. If the Examiner has any questions or comments, please contact the below listed attorney.

Respectfully submitted,

4/7/04  
Date

  
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